



COUNTY OF ORANGE HEALTH CARE AGENCY

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January 28, 2010

Patricia Henshaw
Manager Environmental Services
OC Waste & Recycling
300 N. Flower Street, Suite 400
Santa Ana, CA 92703



Subject: Emergency Waiver of Certain Terms for Solid Waste Facility Permits of Frank R. Bowerman, Olinda Alpha, and Prima Deshecha Landfills

Dear Ms. Henshaw:

On January 21, 2010, the Acting Governor of the State of California proclaimed a State of Emergency in the County of Orange and four other counties in the state due to severe winter storms on January 21, 2010. On January 22, 2010, Supervisor Bill Campbell – Vice Chair of the Orange County (County) Board of Supervisors – signed a Proclamation of a Local Emergency due to severe winter storms. Consequently, on January 22, 2010, Orange County Waste & Recycling contacted the Solid Waste Local Enforcement Agency (LEA) and verbally requested a temporary waiver of specific terms in the Solid Waste Facility Permits (SWFPs) for the Frank R. Bowerman, Olinda Alpha, and Prima Deshecha, landfills. The LEA subsequently received the formal written waiver request letter from Orange County Waste & Recycling on January 26, 2010.

The request was made in anticipation of water logged storm debris and soils that may contain greater than 50% moisture content generated by the post storm cleanup and stabilization efforts, which may be hauled to all three landfills. Specifically, Orange County Waste & Recycling has requested a waiver of the SWFP prohibitions for accepting liquids or wastes containing excess moisture for all emergency related waste at all three landfills for 120 calendar days starting on January 22, 2010.

In reviewing Orange County Waste & Recycling's request and the files for the Frank R. Bowerman, Olinda Alpha, and Prima Deshecha landfills, the LEA has determined:

1. All landfills are currently in compliance with all terms and conditions of their existing SWFPs.
2. The waiver request is an integral part of the Orange County's Cities and County's plan in managing the emergency related waste and facilitating urgent stabilization and restoration efforts, therefore alleviating any threat to public health and safety and/or the environment.

3. There are nine (9) permitted transfer/processing facilities within the County. These facilities can accept, process and recycle, to the extent possible, emergency related waste.

Therefore, pursuant to Section 17210.8, Title 14, of the California Code of Regulations (14 CCR), the LEA hereby grants approval of Orange County Waste & Recycling's waiver request for 120 days starting on January 22, 2010, through May 22, 2010, with the following conditions:

1. The temporary waiver of the SWFPs prohibited wastes applies to emergency related wastes and debris. All other SWFPs terms and conditions shall remain in effect and apply to all non-emergency related wastes and debris.
2. OC Waste & Recycling shall comply with all State Minimum Standards as defined in 27 CCR, Section 20164.
3. OC Waste & Recycling shall comply with the reporting requirements contained in 14 CCR, Section 17210.5. In particular the reports shall include, in addition to emergency related daily tonnage landfilled, identification of all facilities involved in the process and diversion of storm debris.
4. The temporary waiver for all three landfills will automatically terminate on May 22, 2010, when emergency related waste is no longer delivered to landfills.

Upon receipt of the required reports and a written request from OC Waste & Recycling, the LEA may consider extending the effective period of this waiver pursuant to 14 CCR, Section 17210.2(d). In addition, the LEA may modify, cancel or revoke this waiver without advanced notice should any of the conditions listed in 14 CCR, Section 17210.2(f) occur.

Additional approvals may be required by other regulatory agencies.

If you have any questions, please contact Kathryn Cross at (714) 433-6270.

Sincerely,



Larry Honeybourne, REHS, MS
Program Manager
Environmental Health

cc: Richard Sanchez, OC HCA Environmental Health
✓ Susan Markie, California Department of Resources Recycling and Recovery
Dixie Lass, Regional Water Quality Control Board, Santa Ana
Robert Morris, Regional Water Quality Control Board, San Diego